

REMARKS/ARGUMENTS

In the Office Action dated July 6, 2006, Claim 1 was rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Claims 1-6, 8-9, 12, and 49 were rejected under 35 U.S.C. § 103(a) as being obvious over U.S. Patent No. 6,347,218 to Fuhrmann et al. ("Fuhrmann") in view of U.S. Patent No. 5,933,330 to Beutler et al. ("Beutler"). Claims 10 and 11 were rejected under 35 U.S.C. § 103(a) as being obvious over Fuhrmann in view of Beutler and further in view of U.S. Patent No. 4,719,322 to Guzik et al. ("Guzik"). As explained below, Applicants respectfully submit that the claimed invention of independent Claim 1, and by dependency Claims 2-6, 8-12, and 49, are patentably distinct from the cited references, taken either alone or in combination. As such, Applicant respectfully requests reconsideration and allowance of all of the pending claims of the present application.

35 U.S.C. § 112

With regard to the rejection of independent Claim 1 under 35 U.S.C. § 112, first paragraph, the Office Action submits that the feature, "wherein the compression biased urging mechanism is arranged to be in resilient compression to store energy when the formation and complementary formation are coupled," is unsupported. Support for this feature can be found at least at page 6, lines 12 to 25 and in the sentence bridging pages 7 and 8 (which refers to a rubber seal). It is inherent, in the context of the compression of a spring or other resilient element such as a rubber seal, that energy is stored by the resilient element. This fact is well known to a person having ordinary skill in the art. Therefore, Applicant submits that Claim 1 is sufficiently supported for purposes of satisfying the requirements of 35 U.S.C. § 112, first paragraph.

35 U.S.C. § 103(a)

With regard to the rejection of independent Claim 1 under 35 U.S.C. § 103(a) as being unpatentable over Fuhrmann in view of Beutler, as the Office Action points out, Fuhrmann does not disclose the features, "wherein the biasing mechanism comprises a compression biased releasing mechanism and a compression biased urging mechanism, the compression biased releasing mechanism being arranged to resiliently compression bias the element into the first position to allow a user to actuate the element, via the operating surface, against the compression bias into the second position to release the co-operation of the formation and complementary

formation thereby allowing the housings to be removed from one another, and wherein the compression biased urging mechanism is arranged to be in resilient compression to store energy when the formation and complementary formation are coupled and to automatically urge the first and second housings away from each other when the coupling of the formation and the complementary formation are released by the releasing energy stored in the compression biased urging mechanism.” The Office Action points towards Beutler as disclosing these features, and refers to FIGS. 18 and 20 and column 13, line 19, to column 14, line 44, of Beutler to as describing these features.

Applicants respectfully submit that the Office Action mischaracterizes Beutler. The passage of Beutler cited in the Office Action describes a mechanism whereby the battery pack **1704** is releasably attached to the lower housing **108**. This mechanism comprises two springs **1820** and **1821** (see FIGS. 18 and 20), which the Office Action appears to consider analogous to one or more elements of the claimed biasing mechanism. On the contrary, these springs are deformed by respective projections **1722** and **1723** on the battery pack **1704** (see FIG. 17) during attachment of the battery pack **1704** to the lower housing **108**, in order to secure the attachment between those two parts. As described at column 14, lines 40-44, “[t]o complete assembly, the battery pack **1704** is released allowing the springs **1820** and **1821** to extend and urge the battery pack **1704** in the direction of arrow **2106** of FIG. 21 until projections **1800** and **1801** are received in receiving slots **1752** and **1753**, respectively”. The projections **1800** and **1801** are best seen in FIGS. 18 and 19 while the slots **1752** and **1753** are best seen in FIG. 17. This arrangement merely loads the battery pack **1706** in place, i.e., it provides a spring biased locking mechanism.

To release the battery pack **1704**, it must be manually disassembled from the lower housing **108**. As described at column 15, lines 24-36:

“[t]he battery pack **1704** is disassembled from the lower housing **108** by substantially reversing the steps previously described with respect to assembly shown in FIG. 21. First the battery pack **1704** is pushed in the direction opposite to arrow **2106** until projections **1800** and **1801** are removed [from] receiving slots **1752** and **1753**, respectively; springs **1820** and **1821** in receiving slots **1816** and **1817**, respectively, are depressed by projections **1722** and **1723**, respectively; and end **1708** abuts endwall **1742**. Next, end **1709** of the battery pack **1704** is swung in the direction opposite to arrow **2104** until

projections **1800** and **1801** clear endwall **1743**. Once clear, the battery pack **1704** can be lifted away from the recess **1740** and the lower housing.”

Clearly, Beutler does not disclose a mechanism whereby housings are urged apart from one another as in the claimed invention.

The above arrangement disclosed by Beutler in no way teaches or suggests the compression biased releasing mechanism or the compression biased urging mechanism, as each are recited in independent Claim 1. More particularly, Beutler does not teach or suggest a compression biased releasing mechanism arranged to allow the user to release the cooperation of complementary formations, allowing housings to be removed from one another, as recited by independent Claim 1. Beutler also does not teach or suggest a compression biased urging mechanism arranged to urge first and second housings away from each other when the coupling of the complementary formations is released, as further recited by independent Claim 1. Moreover, none of the other cited references teach or suggest a compression biased releasing mechanism or a compression biased urging mechanism as recited by independent Claim 1. Indeed, none of the other references are cited as teaching these features of Claim 1. Since none of the cited references teach or suggest the compression biased releasing mechanism or the compression biased urging mechanism of independent Claim 1, Applicants submit that independent Claim 1, as well as the claims that depend therefrom, are allowable over the cited references.

Furthermore, according to Beutler, housing parts are generally fixed together using a standard arrangement of male and female formations. For example, FIG. 3 of Beutler illustrates how tabs **316** and **318** are inserted into slots **311** and **313** to join the housing parts, and FIG. 13 of Beutler illustrates how hoops **1312** and **1314** and snaps are used to join the housing parts. As such, Beutler adds nothing to, and only serves to reinforce, the teaching of the prior art referred to at page 1, lines 15 to 21, of the applicant’s specification, and also that of Fuhrmann.

For the reasons described above, Applicants submit that the claimed invention of Claims 1-6, 8-12, and 49 is both novel and non-obvious in view of the cited references.


Appl. No.: 09/852,630
Amdt. dated 10/06/2006
Reply to final Office Action of July 6, 2006

Conclusion

In view of the remarks and amendments presented above, it is respectfully submitted that the claims of the present application are in condition for allowance. It is respectfully requested that a Notice of Allowance be issued in due course. The Examiner is requested to contact Applicants' undersigned attorney to resolve any remaining issues in order to expedite examination of the present application.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,



Christopher W. McAvoy
Registration No. 57,055

Date: October 6, 2006

Customer No. 00826
ALSTON & BIRD LLP
Bank of America Plaza
101 South Tryon Street, Suite 4000
Charlotte, NC 28280-4000
Tel Charlotte Office (704) 444-1000
Fax Charlotte Office (704) 444-1111

ELECTRONICALLY FILED USING THE EFS-WEB ELECTRONIC FILING SYSTEM OF THE UNITED STATES PATENT & TRADEMARK OFFICE ON October 6, 2006.

LEGAL02/30110005v1